

## ATTACHMENT 1

### CITY COUNCIL'S FINDINGS AND ANALYSIS

The zoning decision before the City Council is to determine in which area of the City new adult cabarets should be permitted to locate. Although the City Council normally has wide discretion to determine where land uses may be allowed, or whether certain uses will be permitted at all, adult cabarets are a unique type of land use because they enjoy constitutional protection that other uses lack. Therefore the Council's decision about where new adult cabarets should be permitted is constrained by constitutional criteria that must be considered when the Council makes its zoning decision.

The principal constitutional criterion is a requirement that the City's zoning provide an adequate number of possible locations for new adult cabarets. Whether the areas allowed are adequate depends in part upon the number of new adult cabarets that may seek to open. Seattle has had approximately four adult cabarets in operation in recent years. The City is aware of one potential, additional adult cabaret that has sought to open, but it is unknown whether that interest remains. Because the zoning proposal now before the Council allows the existing adult cabarets to remain at their present locations, the number of known, potential adult cabarets that would need a location is assumed to be one. However because it is conceivable that in the future other persons might want to open new adult cabarets, the City assumes for purposes of this analysis that the market demand for new adult cabarets might double the historic demand. Although this level of demand is unlikely in light of the history of this use in Seattle, the City chooses to err on the safe side in light of the constitutional consideration. In other words, for purposes of the market demand analysis, the City should zone a sufficient area to allow up to four new adult cabarets to locate in the City. Therefore in addition to the four existing adult cabarets, the four hypothetical new adult cabarets would provide the City with at least eight adult cabarets.

If it is assumed that sufficient area must be zoned to allow for up to four new adult cabarets, the question then is, where in the City should these potential, new adult cabarets be allowed? As with any zoning decision, the principal consideration is the extent to which a given use is compatible with other land uses. This is the essence of zoning. Adult cabarets may have certain adverse land use impacts that are not common to commercial uses generally. This is particularly true when adult cabarets are located in or near residential neighborhoods.

One impact is the relative, negative effect that an adult cabaret may have on the value of nearby property. Preservation of property values is a recognized purpose of zoning. Because evidence suggests that the negative effect on property values is likely to be greater when the adult cabaret is located in or near a residential area, the zoning recommended here would not allow new adult cabarets to be located in zones where general residential uses are permitted.

Another set of land use impacts that adult cabarets may have is upon the perception of neighborhood character. For example, signs for adult cabarets are often sexually graphic and garish, and considered incompatible with residential neighborhoods, especially near schools or parks where children are present. And because adult cabarets are often busiest at night, noise

from patrons entering or leaving the cabarets or in parking lots, and noise from police or emergency vehicles, can disrupt the peace and quiet that is desired in a residential area.

There is some evidence that the presence of adult cabarets corresponds to increased levels of crime in an area, including sex-related crimes such as prostitution. In addition, because alcohol is not served inside adult cabarets, and recreational drugs are illegal, it is believed that consumption of alcohol and drugs occurs in adult cabaret parking lots or on adjacent public streets. These criminal activities are particularly problematic and incompatible with residential uses.

Because of these potential impacts, the Council has decided that new adult cabarets should not be allowed in or near zones permitting general residential uses. This recommendation is consistent with the City's Comprehensive Plan, which contains a number of policies that address compatibility of uses in residential areas. See Exhibit A.

When zones allowing general residential uses are excluded, the City still has substantial land area where new adult cabarets could be located, primarily in areas that are zoned for industrial uses. The proposed area in which new adult cabarets could be located provides ready access by major streets and highways. The area is bordered by Interstate 5 on the east, and is within about six blocks of State Highway 99 on the west. Two major arterials traverse the area from north to south: 4<sup>th</sup> Avenue S. and Airport Way S. S. Spokane Street is a major arterial that bisects the area from east to west. Complete freeway access is provided nearby at the I-5/I-90 interchange near Safeco Field and Qwest Field, and at the I-5/Spokane Street interchange. Because most adult cabaret patrons are believed to arrive by automobile and draw from the region as well as the City proper, the availability of such ready access makes this area particularly well suited to this type of use.

The proposed area contains numerous parcels and buildings that could reasonably accommodate a new adult cabaret. Although some property and buildings are better suited to industrial uses, the area already contains a number of nonindustrial uses such as restaurants and retail establishments, particularly those located along 4<sup>th</sup> Avenue S. or Airport Way S. Some of the parcels and buildings appear to be for sale or lease now. In short, the proposed area appears to provide a reasonable number of sites that are currently available or likely to be available in future years, to meet reasonably anticipated demand for new adult cabarets.

The proposed legislation limits the visibility of signs for adult cabarets from certain highways. By reducing visibility, the legislation may limit the number of cabaret patrons, thereby reducing the potential for secondary effects such as increases in crime and consumption of alcohol and drugs. The legislation does not regulate the content of signs that are allowed.

In summary, the Council believes that the proposed zoning should be adopted because it meets constitutional standards for zoning adult uses and meets City policies for compatibility of land uses.